

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

THOMAS R. MAY,

Plaintiff,

vs.

Civ. No. 13-1021 KG/RHS

MATTHEW COCKMAN *individually and in his capacity as District Defender of Aztec, New Mexico Public Defender Department*; STEPHEN TAYLOR *individually and in his capacity as Managing Attorney of Aztec, New Mexico Public Defender Department*; BARBARA AUTEN *individually and in her capacity as Human Resources Director of the New Mexico Public Defender Department*; BENNETT J. BAUR *individually and in his capacity as Acting Director of the New Mexico Public Defender Department*; NEW MEXICO PUBLIC DEFENDER DEPARTMENT and DOES I THROUGH X,

Defendants.

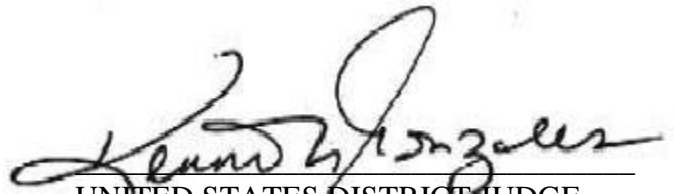
ORDER

This matter comes before the Court on Plaintiff's *Motion to Remand & Memorandum in Support*, (Doc. 14), filed November 4, 2013. Defendants filed their Response (Doc. 19), on November 5, 2013. There was no Reply filed.

Plaintiff initiated this law suit by filing a complaint on October 1, 2013, in the Eleventh Judicial District Court, State of New Mexico. On October 23, 2013, Defendant filed their Notice of Removal, (Doc. 3), pursuant to 28 U.S.C. § 1441(a) (authorizing removal case from state court case in which federal court has original jurisdiction), and 28 U.S.C. § 1443 (authorizing removal of civil rights case from state court to federal court). Among his New Mexico state law claims, Plaintiff alleges violations of the First and Fourteenth Amendments to the United States Constitution, 42 U.S.C. §§ 1981, 1983, 1985(3), and 1986, as well as violations of Title VII of

the Civil Rights Act of 1964. Plaintiff understandably concedes his complaint contains federal claims. He relies on a superceded version of 28 U.S.C. § 1441(c) to persuade this Court to decline jurisdiction and remand the matter to the Eleventh Judicial District Court, asserting his State law claims predominate. I find Plaintiff's motion without merit.

Having considered the Notice of Removal and corresponding exhibits, the plaintiff's Motion to Remand and Memorandum in Support, the defendants' Response, and the controlling authority, I DENY Plaintiff's motion.



UNITED STATES DISTRICT JUDGE